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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

24 SEP 2004

Applicant's or agent's file reference Eingreifschutz	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2002/004161	International filing date (day/month/year) 15 April 2002 (15.04.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC E05D 15/16		
Applicant HÖRMANN KG BROCKHAGEN		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 13 November 2003 (13.11.2003)	Date of completion of this report 21 July 2004 (21.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.

PCT/EP2002/004161

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☒ the description:

pages \_\_\_\_\_ 2, 6, 7 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ 1, 4, 5 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 29 April 2004 (29.04.2004)

pages\* \_\_\_\_\_ 3 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 05 July 2004 (05.07.2004)

☒ the claims:

pages \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19

pages\* \_\_\_\_\_ 2-7 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 29 April 2004 (29.04.2004)

pages\* \_\_\_\_\_ 1 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 05 July 2004 (05.07.2004)

☒ the drawings:

pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

**2. Citations and explanations**

5. D2 (EP 1 114 908 A) is considered the prior art closest to independent claim 1.

5.2.1 D2 concerns (see, in particular, figures 1 and 5) a door having the features of the preamble of claim 1, in particular having:

- a) a guide rail arrangement with
- b) a rail element (10);
- c) a securing arrangement (11) comprising a first (30) and a second (31) limb; and
- d) a protective element (21, 22, 28).

5.2.2 The present invention can be considered to address the **problem** of improving the ease of assembly of the guide rail of a door such as that claimed whilst providing protection against trapping.

5.2.3 The solution indicated in the present application consists of the following:

- a) the guide rail arrangement is associated with at least one **protective element** which can be affixed to at least one of the securing elements and bridges a gap between the rail element and

the wall; and

- b) the second limb has a receiving area in the form of a **depressed portion** for receiving a securing region of the protective element.

5.2.4 This combination of features contained in claim 1 is neither disclosed nor suggested by the available prior art. The subject matter of claim 1 is therefore novel and inventive (PCT Article 33(2) and (3)).

5.3 Since claims 2 to 6 are dependent on claim 1, the subject matter thereof is likewise novel and inventive.

5.4 D1 is considered the prior art closest to independent claim 7.

5.4.1 D1 discloses (see, in particular, figures 1, 2 and 5) a guide rail arrangement comprising:

- a) a rail element (40);
- b) a securing arrangement (10), comprising a first (22) and a second (24) limb; and
- c) a protective element (45).

5.4.2 The solution to the problem of interest consists, as per the characterising part of claim 7, of the following:

- a) the second limb has a receiving area in the form of a depressed portion.

5.4.3 This combination of features contained in claim 7 is neither disclosed nor suggested by the available prior art. The subject matter of claim 7 is

therefore novel and inventive (PCT Article 33(2) and (3)).

- 5.5 The subject matter of claims 1 to 7 is industrially applicable (PCT Article 33(4)).

#### Miscellaneous

- 6.1 The features of the claims are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).
- 6.2 If the invention is pursued further as a European application, attention is drawn to the new wording of EPC Rule 29(2).

Pursuant to EPC Article 84 in conjunction with Rule 29(2), an application may contain more than one independent claim per category only if the claimed subject matter is covered by one of the exceptional situations specified under letters a, b or c of EPC Rule 29(2).